

DISPATCH		CLASSIFICATION SECRET	PROCESSING ACTION
TO			MARKED FOR INDEXING
INFO			NO INDEXING REQUIRED
FROM	Chief, SB via Chief, EUR		ONLY QUALIFIED DESK CAN JUDGE INDEXING
SUBJECT	REDBLOCK - Erik HEINE Deposition		MICROFILM
ACTION REQUIRED - REFERENCES			
ACTION: See paragraphs 1 and 4			
REFERENCES: DIR 02511, 6 May 1966			
<p>1. Forwarded herewith is the HEINE deposition taken by RAUS' attorneys in Washington in February 1965. We are sending this bulky document (7 volumes) in two copies, one for SMABOVE, the other for [] files.</p> <p>2. Although [] undoubtedly recalls the circumstances surrounding the taking of this deposition, we will nevertheless summarize them here. At the time when RAUS' attorneys filed their original answers to the HEINE complaint, in early January 1965, they decided to request that HEINE be deposed at the earliest possible date. The reason for this was to obtain HEINE's story in a form usable for court proceedings, since obviously they could not make legal use of the debriefing by [] in 1957. At this time, of course, there was no thought that [] role in the case would ultimately be disclosed, as was later done. While the RAUS attorneys realized that they probably would not be able to "prove truth" in a court of law, and for this reason "truth" was not included in the answers filed, they did feel that the HEINE story could probably be presented to a jury in a way which would at least cast grave doubt on his bona fides, truthfulness and general character. He would not be a patriotic anti-Communist Estonian hero but at the very least a tremendous liar with a highly suspicious story. If nothing else, this would have a bearing on the amount of damages awarded if HEINE should eventually win the suit.</p> <p>3. As for the deposition itself, several points are worth noting:</p> <p>a. RAUS' attorneys did a good job of extracting HEINE's detailed biography, given the fact that they are not CI experts;</p> <p>b. This version of his biography differs in certain particulars from previous versions. Some discrepancies may be excusable as simply faulty memory (e.g., incorrect month of his 1956 repatriation from USSR). It is the conclusion of our</p>			
CROSS REFERENCE TO		DISPATCH SYMBOL AND NUMBER	DATE
2 - [] w attachment		OCOW-5792	13 MAY 1966
		CLASSIFICATION	HQS FILE NUMBER
		SECRET	[]
1 - [] 1 - [] 1 - Chief, SB 2 - SB/O/AC 1 - CI/OPS/SOVSAT 2 - [] ABSTRACT INDEX		ORIGINATING	
		OFFICER SB/O/AC	
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		EXT. R-1109	
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OFFICE SYMBOL		DATE	OFFICER'S NAME
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CI analysts, however, that certain of the discrepancies are the result of HEINE's modification of his legend over a period of time.

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c. A careful reading will show that HEINE was cooperative at the start, volunteering facts without great urging. At a certain point, however, he "clammed up," and from then on his answers were limited strictly to the questions asked, frequently with a "yes" or "no" response. Example: He does not go into the alleged anti-Communist resistance movement in Soviet labor camps, his contact with one of its leaders in late 1955, and his subsequent detention in the Solikamsk town prison just prior to his transfer to the West in 1956. (This was what he originally told debriefers when he first showed up in Germany in November 1956; see pages 18 and 19 of attachment to OCOW-4356, dated 22 July 1963).

d. The abrupt change in his responsiveness during the deposition, as noted above, may be fairly innocent or more sinister: his lawyers may have told him to stop volunteering information and to limit himself to answering the questions put to him, or he may himself have realized that he was getting in trouble with his detailed answers and possibly making mistakes, giving a different version than others previously supplied, etc. (See for example, the error which he made on page 872 and corrected after a ten-minute recess, on page 876.)

4. We see no reason why all of the above cannot be discussed with SMABOVE in whatever detail feels appropriate. While the deposition is a public document in the trial records of this case, SMABOVE will nevertheless presumably delay any open investigation based on the deposition until the present phase of the court proceedings is concluded. For Headquarters' records, please forward a memorandum of conversation covering your discussions with SMABOVE.

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